

The Research

Review

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Greg E. Adkins

Conservation & Environment
Transportation

Matt Barnes

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Paige Edwards

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741-3025



The State Government Subcommittee plans to devote next week's meeting time, plus additional time Tuesday afternoon, to House Bill 0001 (lottery legislation). Shown are Subcommittee Chairman Larry Miller, Representative Dewayne Bunch and committee attorney Sally Swaney of the Office of Legal Services.

ALSO IN THIS EDITION:

Budget Hearings before the House Finance, Ways and Means Committee began on Tuesday of this week with an overview by Finance and Administration Commissioner Dave Goetz (see page 5).

Beginning this week, *The Research Review* will include summaries of each budget

presentation for the members' use. The *Review* will also include a schedule of hearings for the coming week.

Access to the hearings is available on the General Assembly's website. The *Budget Hearings* link under *House* will connect the user to the video stream.

##

Agriculture

Matt Barnes

The **Agriculture Committee** addressed one bill in its Tuesday, March 11 meeting. **HB 2046** (McMillan) requires persons applying for commercial aerial applicator licenses to become certified first in the category of pesticides such persons intend to apply. The bill further requires applicators, after becoming certified by the Department of Agriculture, to notify the sheriff's office in the county of application and keep a log of all applications for 36 months. The penalty for violations of these provisions would increase from a Class C to a Class A misdemeanor. Mike Countess, Assistant Commissioner for the Tennessee Department of Agriculture, provided a summary in support of this bill, claiming its consistency with improving Homeland Security oversight of certain activities. The bill passed to Calendar and Rules.

In other business before the committee, Rep. Gresham introduced Darrell Ailshie of the Tennessee Farm Bureau to discuss goat production in Tennessee. Ailshie, along with Ricky Skillington, Director of the Agricultural Extension Service for Marshall County, and David Jordan, owner of A & D Meat Processing in Chapel Hill, claimed that Tennessee is missing out on the financial gains from the processing of goat meat. While Tennessee ranks #2 in the country in terms of goat population, totaling around 579,000, the state capitalizes on less than 5% of the goat meat processed. Skillington stated the Hispanic and Muslim populations are expected to increase dramatically in the near future and that goat meat is their preferred meat, adding to the argument for the state to pursue such financial gains. Ailshie commented that sound science and well-funded research is needed first to ensure that the disposal of goat waste does not lead to the spread of virus.

Children & Family Affairs

Shannon Romain

In **full committee**, the Department of Children's Services testified again on the status of their recent accounting of the foster-care program. In February, the Department appeared before legislators to respond to the federal monitor's report that the Department was unable to locate foster children. At that time, Commissioner Michael Miller assured members that the Department could verify the placement of every child in foster care. He attributed problems with locating children to discrepancies in TNKids, the Department's tracking database. According to

Commissioner Miller, data was outdated and information had been incorrectly entered, resulting in inaccurate status reports.

Commissioner Miller reaffirmed the Department's goal to alleviate the "on-going tension between people work and paperwork". The Department conducted an accounting of all children in the foster care program. All of the "missing" children were located or accounted for including the 321 that the Department classifies as runaways.



*Commissioner Michael Miller
Dept. of Children's Services*

Despite the fact that all of the foster care children have been accounted for, concerns with the program continue. Rep. Vaughn was alarmed by the high percentage of system discrepancies and the number of runaways in east Tennessee. Members also questioned the payment of state funds to foster parents of runaway children. The Department was asked to provide information on supervisory staff training, information on payments to foster parents, and an analysis of the TNKids data from east Tennessee.

Chairwoman Chumney announced that the committee would schedule additional meetings with the Department to review the information. The committee has scheduled a tour of the Department this Thursday, March 13th, following session.



Chairwoman Chumney

In the **Family Justice Subcommittee**, **HB 0567** (Rep. **Montgomery**) was recommended for passage to the full committee. The bill clarifies that all marriages performed by county officials and former members of quarterly courts who were members on or before August 1, 1984 are solemnized.

HJR 0066 (Rep. **Patton**) was withdrawn. The resolution called for a constitutional amendment that would open the door for grandparents to petition the court for visitation with their grandchildren. The legislature has enacted several laws in the last few years in an effort to give

grandparents legal access, under limited circumstances, to their grandchildren. According to Rep. Patton, however, those laws are unconstitutional. He noted that Tennessee is one of only two states that does not protect the rights of grandparents.

There was opposition to the resolution based on members' legal experiences and their uneasiness with a constitutional amendment.

The three bills on calendar in the **Domestic Relations Subcommittee** this week, HB 875, HB 859 and HB 1731 were rolled to future calendars.

Commerce

Matt Barnes

The **Commerce Committee** met Tuesday, March 11 with two bills on the calendar. The first, **HB 488** (Montgomery), allows the utility district in Sevier County to provide natural gas services to a rural part of adjacent Blount County. The bill was rolled four weeks at the sponsor's request.

The second, **HB 1251** (McMillan), was passed on to Calendar and Rules. That bill authorizes an apprentice auctioneer, who is also a real estate broker or affiliate broker, to conduct auctions of real property as long as the auctioneer for whom the apprentice works is on the property during the auction.

Small Business

The **Small Business Subcommittee** met on Wednesday, March 12 to consider four bills. **HB 228** (Hackworth) allows local education agency vocational students to construct on campus and sell one modular building per year, thus exempting them from the Modular Building Act. An amendment to the bill clarifies that one residential modular building *per school* per school year may be constructed. The bill passed as amended to the full committee.

HB 1283 (Odom) requires the buyer to obtain a wood destroying infestation report ("termite letter") on a piece of real property before purchasing the property. The termite letter shall be warranted for 90 days. Current law provides for the *seller* to obtain the letter. After a question was raised about a potential increase in cost to the buyer in obtaining the letter, it was brought out that it should be minimal, since the buyer currently pays for the letter as it

is absorbed in the overall price of the property. The bill passed to full committee.

HB 1303 (West) requires certain bedding sold in Tennessee to have certain tags securely and permanently attached onto them for consumer protection purposes. It was explained that large companies in the Northeast allow purchasers of bedding to keep the bedding for a considerable length of time and bring it back, later to be sold in this state as new bedding. An amendment originating in the Senate lowers the penalty for knowingly violating the provisions of this bill from a Class B to a Class C misdemeanor. The bill passed as amended to the full committee.

HB 1986 (Head) removes the exclusion from the definition of contractor those persons constructing residences on private property for resale in certain counties. The bill was rolled to March 26th.

Industrial Impact

The **Industrial Impact Subcommittee** met Tuesday morning to consider two bills. **HB 1771** (Shepard) moved to full committee as amended. The bill requires HMOs that provide utilization review services for mental health and chemical dependency care for their enrollees, to comply with the part of the Code that covers such services. The amendment on the bill corrects a reference to the Code and excludes utilization review services provided to TennCare enrollees.

HB 0758 (Hargrove), a bill relative to trade practices in the insurance industry, also moved to full committee as amended. Before being amended, the bill permitted insurers to make, offer to make, or permit preferences or distinctions in property, marine, casualty or surety insurance as to policies, certificates, premiums, rates, benefits or conditions of insurance. Insurers could make those preferences based upon membership in an association of professionals with more than 5,000 dues-paying members living in, or practicing in, at least 80 counties within the state. However, the amendment to the bill simply deletes the entire section of the Code affected by this bill, removing the prohibition against making preferences or distinctions in certain insurance transactions.

The **Utilities and Banking Subcommittee** had no bills on notice and thus did not meet.

Conservation & Environment

Greg E. Adkins

The **Full Environment Committee** was cancelled for the week of March 10, 2003.

The **Wildlife Subcommittee** met on March 11, 2003, and considered two bills. **HB 1048** by Rep. McCord was sent to the full committee. The bill authorizes TWRA to permit licensed trappers to release small game animals in counties contiguous to the counties where the animals were trapped. **HB 1049**, also by Rep. McCord, was rolled one week; the bill would exempt disabled veterans from hunting and fishing license fees.

The **Parks & Tourism Subcommittee** met on March 12, 2003, and rolled both of the bills on the calendar. **HB 893** by Rep. Cooper and **HB 412** by Rep. Brooks (Knox) were rolled to April 9, 2003. The bills are identical and both enact major changes concerning state park funding. The bills would enact the "State Park Funding Act of 2003." The bills set up a separate park fund and the money appropriated to the fund will not revert back to the general fund. The bills also mandate entrance fees for the parks and the annual pass would cost \$10 per individual.

Consumer & Employee Affairs

Shannon Romain

The **Consumer and Employee Affairs** full committee did not meet this week.

In the **Consumer Affairs Subcommittee**, **HB 1344** (Rep. West) was referred to the full committee. The bill extends coverage under the Tennessee lemon laws to out-of-state consumers who purchase their vehicles in Tennessee but register them in their home state. Under current law, when an out-of-state resident purchases a vehicle in Tennessee and registers it in their home state, the manufacturer is not liable for repairs for defects that existed at the time of purchase, even if the repair is covered by a warranty.

In the **Employee Affairs Subcommittee**, two bills were referred to the full committee. **HB 0456** (Rep. Coleman) is a workers compensation bill that revokes the authority of the county executive to review and determine the validity of an injured worker's justification for refusing to return to work. Under the provision of the bill, the court of jurisdiction would make the determination. According to

the sponsor, the provision in the law authorizing county executives to make the determination is a clerical error, that is corrected in the bill.

HB 0538 (Rep. Overbey) prohibits an employer from terminating a volunteer firefighter who is late or misses work in order to respond to a fire.

Education

Pam Mason

Full Committee

There were no bills to consider in full committee. Dr. Rich Rhoda, THEC, President John Shumaker, UT System, and Chancellor Charles Manning, TBR,



Committee Chairman Winningham

each addressed the committee regarding Capital Projects Funding. A 10-year history of these projects was given along with the emphasis that Tennessee is falling further behind in these needs on our state campuses.

K-12 Subcommittee

In its Tuesday meeting the following actions were taken.

Recommended to full committee:

HB 454 - (Turner, L.) requires LEAs to provide premium reimbursements for retired teachers in medical insurance plans.

HB 548 - (McKee) establishes an extended year reading program, for students below grade level in K-3, by the local board of education.

HJR 75 - (Maddox) creates special joint committee to review the Tennessee Board of Education rules and regulations as related to intellectually gifted students.

HB 590 - (Todd) authorizes LEAs to take action against any responsible party who fraudulently enrolls an out-of-district student.

HB 891 - (Cooper) creates a task force to establish mold abatement in public schools.

HJR 61 - (West) names the Administration Building at the Tennessee School for the Blind "The Ralph A. Brewer Administration Building".

Deferred for 1 week:

HB 895 (Cooper)
HB 1833 (Bunch)
HB 1877 (Bunch)

Deferred for 2 weeks:

HB 898 (Cooper)
HB 1175 (Brown)

Higher Ed Subcommittee

Two bills were considered in the Higher Ed Subcommittee.

HB 898 - (Cooper) failed for lack of a seconding motion.
HB 180 - (Stanley) an amendment was offered to change 25 hours per week to "working full-time" and then deferred one week.

Finance, Ways & Means

Cathy Higgins

House Finance, Ways and Means Committee Tuesday, March 11th

The full committee met on Tuesday to discuss four bills on the regular calendar and the "Consent" calendar. All bills were referred to Calendar and Rules.

Chairman Head announced that bills having a fiscal impact on a local government, such as an expense for a new highway sign, would be placed on a "Consent" calendar. Members of the committee are free to object to any bill placed on consent. If there is an objection the bill will be placed on the following week's regular committee calendar. Chairman Head also announced the House sponsor of a bill on the Consent calendar does not have to attend for the bill to be acted upon.

The Consent calendar had two bills from the Transportation Committee (**HB 0276 Rep. Wood** and **HB 0269 Rep. Shepard**) authorizing new highway signs. As there were no objections, both bills were referred to Calendar and Rules.

HB 1258 by Rep. McMillan, as amended in Budget Subcommittee, increases the members of the Tax Structure Study Commission by four members to include three females and one African-American. The four additional

members will increase the overall membership of the commission to 19. Funding of the bill will come from the tax commission's existing resources.

HB 1468 by Rep. Head changes the code relative to the issuance and sale of bonds. Under current law, the State Funding Board is only authorized to issue bonds at public (competitive) sale if certain conditions are met regarding notice, detail of bond, etc. This bill removes the detail requirements and authorizes the Funding Board to approve the type of notice and the timing of the notice when selling bonds at a competitive sale. The bill also gives the Funding Board discretion, until June 30, 2005, to sell general obligation bonds at private (negotiated) sale due to the current economic and world political situation. Reports will be submitted to the chairmen of the Finance, Ways and Means Committees. The bill also changes wording from the "sinking fund" to "state debt service fund."

Commissioner Dave Goetz, Finance & Administration

"The Budget Overview for Fiscal Year 2003-04"

Commissioner Goetz gave the committee an overview of Governor Bredesen's budget proposal for FY 2003-04. The driving principles behind the budget were to get expenses in line with available revenue and be more conservative with expenses.

Below is a comparison of estimated funding for FY 2002-03 and 2003-04.

| Tennessee Total State Budget | | |
|-------------------------------------|-------------------------|-------------------------|
| | FY 2002-03 | FY 2003-04 |
| State | \$9.9 billion | \$9.8 billion |
| Federal | \$8.1 billion | \$8.2 billion |
| Other | \$3.4 billion | \$3.4 billion |
| Total | \$21.460 billion | \$21.465 billion |
| | | |
| General Fund | \$17,930,528,900 | \$19,005,533,000 |
| Transportation | 1,555,050,000 | 1,443,590,000 |
| Debt Service | 236,171,000 | 232,360,000 |
| Facilities | 101,524,600 | 99,321,600 |
| Revolving Fund | | |
| Cities/Counties | 656,800,000 | 613,600,000 |
| | | |
| TennCare Supplemental | 842,200,000 | 0 |
| | | |
| Total | \$21,459,750,500 | \$21,464,636,600 |

The budget reflects a 9% reduction in discretionary appropriations from general fund tax sources affecting the legislative branch, executive branch, higher education,

highway fund, and state shared taxes. The judicial branch reduced appropriations by 2.5% and the administration has proposed a 2.5% reduction for the district attorneys and public defenders along with a suspension of their statutory pay raises for one year.

Excluded from the reductions were funding for the basic education program (BEP), mental health community services, mental retardation, homeland security, children's services and programs funded with dedicated taxes and fees. Commissioner Goetz also noted that the budget document shows a reduction in funding for the Career Ladder program. This is not being cut because of the impact it could have on local governments and the overall K-12 program.

The funding reduction will result in the abolishment of 845 full-time positions of which 207 are filled. According to the Administration, this reduction in force will save the general fund \$24.3 million.

The budget proposal for FY 2003-04 includes improvement requests totaling \$629 million. These improvements include:

- Creation of a homeland security emergency fund,
- Full funding of the BEP,
- Phase one of the teacher pay program,
- Increases for TennCare, children services, mental retardation services, mental health services, human services and safety,
- Funding of the operational agreement with Hardeman County for the Whiteville Correctional facility,
- Annualization of FY 02-03 salary increases, and
- Group health insurance premiums.

Plans for closing the current fiscal year include:

- Increasing the over-appropriation by \$23.2 million,
- Reverting \$41 million from higher education,
- Transferring \$30 million from the highway fund,
- Transferring \$28 million from the debt service fund,
- Using reserves untapped for closing FY 01-02 (THDA asset fund, wetlands fund, local parks funds, etc.), and
- Using \$248.9 million from the revenue fluctuation reserve and other reserves.

Budget Subcommittee

Budget Sub met Wednesday, March 12, 2003, to discuss four bills on calendar. The sponsors took HBs 1348 and 1977 off notice.

The following bills were referred to full committee:

HB 887 (Briley) will continue the local option tax exemption for the Nashville/Davidson County thermal plant.

HJR 0082 (Bowers) is a resolution from the National Conference of State Legislatures that requests President Bush and the U.S. Congress to institute economic incentives, including a short-term economic growth package, to assist states in recovering from the recent economic downturn.

Government Operations

Denise Sims

The **Government Operations Committee** had ten bills on calendar Tuesday morning.

- **HB 0274 (Maddox)** was rolled two weeks. The bill, "The Locksmith Licensing Act of 2003," requires uniform procedures and qualifications for licensing and regulating locksmiths. It was decided that committee members would take the time to talk with locals about any concerns with the bill. Section seven of the bill creates a board for licensing locksmiths to be appointed by the Governor.
- **HB 0559 (Brooks, Shelby)** was referred to Judiciary as amended. The bill puts into statute the Tennessee Title VI Compliance Commission created by Executive Order 34 issued by former Governor Sundquist. An amendment puts in a sunrise provision.
- **HB 0563 (Brooks, Shelby)** was debated, and will be heard again on next week's calendar. The bill requires those doing business with state entities to complete affidavits showing that they have searched company records, or records of their companies' predecessors, regarding documentation of investment or profits derived from slavery or slaveholder insurance policies. It was explained that the legislation was modeled after similar legislation in California and Illinois. Under the bill, General Services would promulgate rules to create the style and format of the affidavit.

- **HB 0874** (Johnson) was referred to Transportation. It authorizes the Department of Safety to issue judiciary plates for motorcycles.
- **HB 0253** (Stanley) was rolled two weeks following a brief discussion. It suspends, for a minimum of six months, the license of an at-fault driver who hits a pedestrian minor and causes serious bodily injury on school property or on a highway with special speed limits. After questions from the committee arose as to determination of at-fault, the bill was rolled to clarify intent. The sponsor referred to the incident in Shelby County in which a driver struck several children near an elementary school.
- **HB 0896** (Cooper) was referred to the Transportation Committee. It calls for consistency in signs so that tourists and travelers are clear on directions and locations.
- **HB 0897** (Cooper) was referred to the State and Local Government Committee as amended. The legislation authorizes cities and counties to establish revitalization zones. An amendment puts in a sunrise provision.

The committee adjourned before considering HB 0197, HB 0032 and HB 0199 (all by M. Turner). They were rolled for one week.

Health & Human Resources

Judy Narramore

The **Health & Human Resources Committee** met at noon on Tuesday to consider seven pieces of legislation; all were referred to C&R. **HB 0531** by Rep. Davis as amended authorizes a podiatrist to order home health services when such services are follow-up to treatment provided to the patient by the podiatrist. **HB 0304** by Rep. Santony as amended allows physical therapists or physical therapist assistants licensed in other states to be exempt from Tennessee licensure when temporarily performing physical therapy services for members of visiting athletic teams or similar entities. The amendment requires that the physical therapist or physical therapist assistant providing services under the authority of the bill use the Secretary of State for service of process if an injury occurs. **HB 0576** by Rep. Santony redefines "assisted-care living facility resident" to remove the requirement that a resident demonstrate self-administration of oxygen for at least one year to be a resident in an assisted-care living facility. **HB 0585** by Rep. Shepard permits RNs to determine and pronounce death of hospitalized patients under certain circumstances. **HB 1286** by Rep. Odom clarifies that the

Division of Health Related Boards may provide assistance to impaired health practitioners through agreements with or grants to statewide, nonprofit professional associations or their affiliated foundations; however, such grants do not deem recipient programs to be state programs. **HJR 0010** by Rep. Overbey designates May 10, 2003, and every succeeding May 10th as "Child Care Workers Day." **HB 0552** by Rep. Armstrong as amended allows a person who completes Step 1 of the United States Medical Licensing Examination to have seven years from the date of completion of Step 1 in which to complete the examination. The amendment authorizes the Board of Medical Examiners to promulgate rules to create exceptions to the seven-year time frame.

After completing the calendar, Dr. Douglas Wood, Executive Director, State Board of Education, testified before the committee concerning the importance of early childhood education. Dr. Wood also gave an update on *Tennessee's Early Childhood Education Pilot Program* which was created by the General Assembly in 1996. A hard copy of Dr. Wood's powerpoint presentation may be obtained from Chairman Armstrong's office.

The **Professional Occupations Subcommittee** met Wednesday morning with four bills on notice. Three bills were referred to full committee. **HB 0257** by Rep. Shepard requires a qualified nurse wanting a certificate to practice as an advanced practice nurse to apply to the Board of Nursing for certification. **HB 0913** by Rep. Hargett makes three changes to current law regarding the Board of Optometry, i.e., requires optometry applicants to graduate from a school approved by the Board, revises conflict of interest provision for Board members, and increases the per diem of Board members. **HB 1342** by Rep. Hargrove as amended empowers the Commissioner of Health to promulgate rules and regulations to request a waiver of the foreign residence requirement with respect to an alien who agrees to practice medicine in a federally-designated underserved area of the state in accordance with the requirements of the Immigration and Nationality Technical Corrections Act of 1994. The amendment also allows the Commissioner to determine and establish by rules the types and numbers of primary care and specialty providers, as well as the priority areas of the state for placement of alien providers. **HB 1162** by Rep. Shepard was rolled two weeks at the request of the sponsor.

The **Public Health & Family Assistance Subcommittee** had two bills on calendar Wednesday morning. **HB 0030** by Rep. M. Turner was rolled two weeks at the request of the sponsor. Rep. Shepard took **HB 0672** off notice.

The **Mental Health and Health Care Facilities Subcommittee** did not have bills on notice this week and did not meet.

Judiciary

Paige Edwards

Criminal Procedure & Practice

On Tuesday, the **Criminal Procedure & Practice Subcommittee** met to consider 14 bills. HB 1448 by Representative Turner (Hamilton) was taken off notice. HB 29 by Representative Turner (Davidson) was rolled for three weeks. HB 652 by Representative Stanley was rolled for two weeks. HB 584 by Representative Shepard, HB 1322 by Representative Sontany, HB 1323 by Representative Sontany, HB 760 by Representative Todd, and HB 192 by Representative Turner (Davidson) were rolled for one week.

The following six bills were sent to the full committee:

- **HB 1314** by Representative Turner (Hamilton) clarifies that a person, who applies to work or volunteer with children, may be required to submit a criminal history records check that would be conducted by the TBI and the FBI. The organization or employer would pay any costs incurred by the TBI or FBI for conducting the investigation. This bill has been introduced in order to place Tennessee in compliance with federal law.
- **HB 1315** by Representative Turner (Hamilton) clarifies that a person, who applies to work or volunteer with children, is required to supply fingerprint samples to the TBI and the FBI. Also, this bill would require the applicant to submit fingerprint samples to the department of children's services if a criminal record exists. Also, this bill has been introduced in order to place Tennessee in compliance with federal law.
- **HB 1318** by Representative Turner (Hamilton) increases the fees for drug offenses from \$20 to \$100. Also, this bill would increase the fees for DUI offenses from \$17.50 to \$100. The money collected through these fees would be used by the TBI to purchase equipment.
- **HB 1319** by Representative Turner (Hamilton) states that a person who applies to work or volunteer with a home care organization could be required to supply

fingerprint samples and submit a criminal history records check to be conducted by the TBI and the FBI. The health care organization requesting the investigation and information would pay any costs incurred by the TBI and the FBI.

- **HB 865** by Representative Brooks (Shelby) prohibits a registered sex offender from working or residing within 1,000 feet of a school or daycare center. Also, this bill prohibits a registered sex offender from residing within 1,000 feet of a victim or a minor. A violation of the provisions of this bill would be punishable as a Class A misdemeanor.
- **HB 472** by Representative Fowlkes clarifies that a copy of all expungement orders, including orders issued as a result of the successful completion of a pretrial diversion program, must be sent to the TBI.

Constitutional Protections Subcommittee

On Tuesday, the **Constitutional Protections Subcommittee** met to consider six bills. In a 3 to 3 split decision, HB 409 by Representative Briley was held in the subcommittee. HB 1625 by Representative West, HB 864 by Representative Brooks (Shelby), and HB 438 by Representative Bowers were rolled for two weeks.

HB 1601 by Representative West was sent to the full committee. This bill would authorize the board of probation and parole to establish policies and procedures for probation and parole officers to carry handguns during the course of their employment. Under this bill, the officers would be required to undergo periodic TBI and FBI background checks and successfully complete firearms training.

Also, **HB 558** by Representative Brooks (Shelby) was sent to the full committee. This bill authorizes a person to file a discrimination complaint under Title VI of the Civil Rights Act with the Title VI compliance commission. Under present law, complaints are subject to review by the Tennessee Human Rights Commission. This bill would remove the authority of the Tennessee Human Rights Commission to review these complaints. The Title VI compliance commission was created by executive order No. 34 by Governor Sundquist on August 9, 2002. HB 558 will be heard in the full committee with HB 559 by Representative Brooks (Shelby) that establishes the Tennessee Title VI Compliance Commission. HB 559 was heard in **Government Operations** this week and was referred to the **Judiciary Committee** for further consideration.

Note: The **Constitutional Protections Subcommittee** has designated two meetings to hear handgun and firearm legislation. These bills will be heard on March 25 and April 1.

March 25th and April 1st
Handgun and Firearm Bills
To Be Heard In
Constitutional Protections

Judicial Administration

On Tuesday, the **Judicial Administration Subcommittee** met to consider three bills. HB 1392 by Representative Turner (Hamilton) was taken off notice. HB 1078 by Representative Maddox was rolled to the last calendar.

HB 1152 by Representative Overbey was sent to the full committee. This bill would allow Blount, Jefferson, Loudon, and Sevier counties to appeal any accounting, decision, ruling, order, or judgment of the probate court to the court of appeals rather than a general jurisdiction trial court.

Civil Procedure & Practice

On Wednesday, the **Civil Procedure & Practice Subcommittee** met to consider ten bills. HB 1935 by Representative Bunch, HB 1001 by Representative Johnson, and HB 1974 by Representative McMillan were rolled for two weeks. HB 1770 by Representative Shepard, HB 1846 by Representative Bunch, HB 451 by Representative Todd, HB 171 by Representative Briley, HB 789 by Representative Fowlkes, and HB 1699 by Representative Odom were rolled for one week.

HB 1262 by Representative McMillan was sent to the full committee. This bill would prohibit a parent from recovering through a wrongful death action of such parent's child when certain circumstances are present. Specifically, a parent who does not exercise visitation rights or pay child support for two years (or the life of the child, whichever is less) would be barred from recovery. Under present law, a parent is permitted to recover through a wrongful death action after the arrearage is paid.

NOTE: Next week, the **Civil Procedure & Practice Subcommittee** will consider medical malpractice bills that will be referred to the ad hoc committee on medical malpractice.

Full Committee

On Wednesday, the **Full Judiciary Committee** met to consider eight bills.



Chairman Fowlkes

HB 7 by Representative Newton and HB 172 by Representative Briley were taken off notice. HB 64 by Representative Overbey and HB 751 by Representative Buck were rolled for one week. HB 63 by Representative Overbey was re-referred to the **Constitutional Protections Subcommittee** for consideration with other handgun and firearm legislation.

The following three bills were sent to **Calendar & Rules**:

- **HB 841** by Representative Wood authorizes subpoenaed telephone records to be faxed to local law enforcement officials. After the telephone records are faxed, a true and correct copy of all subpoenaed records would be filed with the court clerk. The custodian or other authorized agent of the telephone company would send the subpoenaed telephone records to the clerk by registered or certified mail.
- **HB 433** by Representative Patton, as amended, creates a Class A misdemeanor when a person knowingly misrepresents academic credentials to secure employment at or admission to an institution of higher education in Tennessee.
- **HB 231** by Representative Hackworth clarifies that general sessions judges have the authority to administer the oath of office to any elected or appointed elected official.

State & Local Government

Lawrence Hall, Jr.

This week in the **State and Local Government full committee**, chaired by Rep. Ulysses Jones, **HB 1257**, by Rep. McMillan, passed to Finance, Ways, and Means. This bill will require the registry of election finance to

create an electronic filing system which will allow the filing of financial disclosure forms and other required documents. The bill does not make it mandatory that a candidate file such documents electronically. **HB 419**, by Rep. McDaniel, establishes a procedure for an automatic recount in an election where the margin of victory is within one tenth of one percent of the final count. This bill was passed to Calendar and Rules. **HB 714**, by Rep. Hackworth, passed to Calendar and Rules. This bill says that where there is a city that lies partly in two counties, the state board of equalization is allowed to adjust the reappraisal cycles for the purpose of synchronizing one county's cycle with a contiguous county's cycle. This bill was amended to only apply to Anderson and Roane Counties. **HB 647**, by Rep. Stanley, was also passed out to the Calendar and Rules Committee. This bill authorizes two or more municipalities to jointly create a corridor of central business improvement districts.

State Government Subcommittee

State Government Subcommittee, chaired by Rep. Larry Miller, began considering **HB 0001**, by Rep. Newton, This bill is entitled "Tennessee Education Lottery Implementation Law."



Rep. Newton speaks to State Government Subcommittee members on Tuesday.

Rep. Newton gave an overview of the proposal as it was recommended by the Implementation Task Force and subsequently amended by the Government Operations Committee. The bill was deferred until next week.

In an effort to thoroughly examine this legislation and any proposed amendments, the State Government subcommittee has decided to dedicate the committee's entire time to this bill on next Tuesday. The subcommittee will also reconvene immediately following the State and Local Government full committee on Tuesday to further consider the lottery implementation proposal.

State Gov't Subcommittee
The March 18th Meeting
Will Be Devoted Solely To
HB 0001.

**It Will Reconvene After The
Full Committee Ends That
Afternoon.**

Local Government Subcommittee

The **Local Government Subcommittee** passed **HB 466**, by Rep. Overbey, to full committee. This bill will allow a person who is arrested for the illegal consumption of intoxicating liquor or beer to petition a court to expunge the record of the offense.



Reps. Yokley, West, Bunch and Rinks listen to bills in Local Government Subcommittee.

HB 930, by Rep. U. Jones, will allow municipal electric systems to accept and distribute voluntary contributions for economic development or community assistance purposes. This bill was passed to full committee. **HB 1678**, by Rep. S. Jones, is entitled "Professional Fire Department Employees Negotiation Act." This bill would allow fire departments across the state to self organize and negotiate through representatives with their governing bodies. This bill was passed to full committee.

Elections Subcommittee passed **HB 1560** by, Rep. U. Jones, to full committee. This bill increases the number of required signatures of registered voters to be obtained on a nominating petition from 25 to 50.

Transportation

Greg E. Adkins

The **Full Transportation Committee** met March 12, 2003, and considered eight bills.

The following highway sign bills passed to the Finance, Ways & Means Committee:

1. **HB 57** by Rep. Borchert--"Bernice Rainey Bridge"
2. **HB 229** by Rep. Garrett--Directional signs for "Nossi College of Art" (Amendment-Subject to private or local funding)
3. **HB 474** by Rep. Fowlkes--"Roy Nance Manns Memorial Bridge" (Amendment--Deletes requirement for local funding because the trooper died in the line of duty)
4. **HB 863** by Rep. McDaniel--"Jim W. Ayers Highway"

HB 519 by Rep. L. Turner was rolled one week. The bill authorizes the issuance of Prince Hall Masons specialty earmarked license plates. **HB 900** by Rep. Head passed to FW&M committee as amended. The amended bill will authorize, but not mandate, TDOT to reimburse a utility for the cost of utility relocation for road projects on public right of way. The cost will be included in the highway construction project. The bill is in response to delay times on road projects due to slow utility relocation. **HB 1177** by Rep. Montgomery was rolled for one week. The bill designates the Tennessee Aviation Hall of Fame and affiliated Tennessee Museum of Aviation as the official state repository and archive for aviation history. **HB 661** by Rep. Brooks (Knox) passed, but Chairman Pinion is holding the bill in the committee for one week (with the approval of the prime sponsor of the bill--Rep. Brooks). The bill authorizes the issuance of Alpha Delta Pi Sorority new specialty earmarked license plates.

Public Safety & Rural Roads

The **Public Safety & Rural Roads Subcommittee** met on March 11, 2003, and considered five bills. **HB 802** by Rep. Head passed to full committee. The bill clarifies the circumstances when a driver is required to stop at a railroad crossing. **HB 1023** by Rep. Fowlkes passed to full committee. The bill requires a motorist, when approaching

a vehicle with emergency lights on, and when traveling on a highway with at least four lanes, to move into a lane that is not adjacent to that of the emergency vehicle. The highway would not have less than two lanes going in the same direction as the approaching emergency vehicle. The bill provides that if changing lanes is impossible or unsafe, the driver is to proceed with due caution. **HB 1050** by Rep. McCord was rolled two weeks. The bill limits tractor trailer movements along U.S. Highway 321 from Sevier/Blount County to Little River. **HB 1640** by Rep. West passed to full committee as amended. The amended bill would require funeral procession escort services to be licensed as a security guard. The bill doesn't apply to funeral homes. **HB 670** by Rep. M. Turner passed to full committee. The bill requires passenger contract carrier drivers to keep a current log book of hours driven in the van to show to passengers and/or law enforcement when asked.

Public Transportation and Highways Subcommittee

The **Public Transportation and Highways Subcommittee** met on March 12, 2003, and considered four bills.

HB 804 by Rep. Head passed to full committee. The bill deletes two obsolete railroad sections out of the TCA. **HB 948** by Rep. Tidwell passed to full committee. The bill was a highway sign bill for "Trooper Kent Montgomery Memorial Highway." **HB 1980** by Rep. Head passed to full committee. The bill authorizes issuance of a new specialty earmarked license plate to promote breast cancer awareness. **HB 1633** by Rep. West passed to full committee. The bill authorizes issuance of "The Hermitage" new specialty earmarked license plates.

Budget Hearings For The Week Of March 17, 2003

| Tuesday, March 18th: | Wednesday, March 19th | Thursday, March 20th |
|---------------------------|-----------------------------|-------------------------------|
| Retirement Actuarial | General Services, Personnel | Homeland Security, Safety |
| Federal Issues | Revenue, Econ. & Comm. Dev. | TBI, Post Conviction Defender |
| 1:30 pm or After Calendar | 1:30 pm | 11:00 am or After Session |